

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LUIS N. GONZALES,

Petitioner,

vs.

No. CIV 10-604 MCA/LFG

ERASMO BRAVO, Warden, et al.,

Respondents

ORDER DENYING APPOINTMENT OF COUNSEL

THIS MATTER is before the Court on Petitioner's Motion for Appointment of Counsel [Doc. 3], filed June 22, 2010. No response is necessary. For the reasons given below, the motion is denied.


Petitioner Luis N. Gonzales ("Gonzales") filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on June 22, 2010. On June 29, 2010, the Court ordered Respondent to answer the petition within thirty days. The time for filing an Answer has not yet expired.

Factors the Court weighs when considering a motion for appointment of counsel include the merits of the litigant's claims, the nature and complexity of the factual and legal issues raised in the claims, the litigant's ability to investigate the facts and present his claims. Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995); Steffey v. Orman, 461 F.3d 1218, 1224 (10th Cir. 2006). Counsel will not be appointed where the plaintiff's complaint and pleadings adequately present the factual and legal basis of the action and demonstrate that Plaintiff understands the basics of his constitutional and other claims. Id.

Respondents have not yet filed an Answer to the Petition. The Court has not yet determined

whether an evidentiary hearing will be necessary in this case, and it is too early to determine whether counsel should be appointed. At this point, having reviewed the petition in light of the foregoing factors, the Court finds that Petitioner understands the issues in the case and appears to be representing himself in an intelligent and capable manner.

IT IS THEREFORE ORDERED that the Petitioner Gonzales's Motion for Appointment of Counsel [Doc. 3] is denied.


Lorenzo F. Garcia
United States Magistrate Judge